

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE
DIRECTOR

November 4, 1993
AO-93-22

Senator Robert A. Durand
Massachusetts Senate
State House Room 437
Boston, MA 02133

Re: Travel Expenditures

Dear Senator Durand:

This letter is in response to your September 20, 1993 request for an advisory opinion relative to your attending a conference in Washington D.C. on "The Future of America's Rivers," sponsored by American Rivers, Inc. The conference will be held on November 5 through November 7, 1993.

You have stated that you will be a panelist at the conference. You have asked if your political committee may expend funds to pay for your expenses incurred in attending the conference, including air fare and lodging. You have also asked if your committee may pay the travel and lodging expenses of your environmental aide, Ms. Maeve Vallyely, who has worked with you on river protection initiatives. Finally, you have stated that your wife would like to attend the conference with you. She will pay her own air fare and share your hotel room. Although she will not need to attend most conference events, she would like to attend a banquet, the cost of which is \$60. You have asked if your campaign funds can be used to pay for her attending the banquet.

For the reasons which follow, your committee may pay reasonable travel expenses incurred by you and your aide, but may not pay your wife's expenses.

Section 6 of M.G.L. c.55 states, in pertinent part, that a political committee such as yours "may receive, pay and expend money or other things of value for the enhancement of the political future of the candidate . . . for which the committee was organized so long as such expenditure is not primarily for the candidate's or any other person's personal use" (emphasis added).

Section 379 of Chapter 133 of the Acts of 1992 amended Section 6 to exclude specifically expenses related to constituent and legislative services from the term "personal use." As amended, M.G.L. c. 55, s. 6, in pertinent part, provides:

For the purposes of this section the term "personal use" shall not include expenses relating to the provision of constituent or legislative services or to the opening or maintaining of a legislative district office . . . [emphasis added].

A candidate who is also an incumbent must provide constituent and legislative services to protect the candidate's political future. Failure to provide these services would clearly have a negative impact on an incumbent's political future. As amended, the statute recognizes this fact by providing that constituent and legislative services are not a personal use and, therefore, may be reimbursed by a political committee.

The facts provided in your letter and in subsequent telephone conversations with Ms. Vallyely demonstrate that your attendance at the conference constitutes a legislative service. The conference provides an opportunity to share information and strategies relating to river protection legislation. In your political campaigns, you emphasize your sponsorship of legislation relating to river protection, and the information which you anticipate gaining at the conference will likely be useful in drafting legislation relating to river protection.¹ Accordingly, reasonable expenses incurred to attend the conference may be paid by your political committee.

Since Ms. Vallyely assists you in providing legislative services, the reasonable cost of her attending the conference may be reimbursed, consistent with M.G.L. c. 55, s. 6, by your political committee. We understand from your letter and conversations with Ms. Vallyely that she will help you share information with others at the conference and develop new strategies for river protection legislation.

Finally, with respect to your wife, you have indicated that she "would like to attend" a banquet at the conference. The facts which you have provided suggest that her attending the banquet will be primarily for personal reasons and not an expenditure that your committee can make to enhance your political future. Therefore, the committee may not pay for that expense.

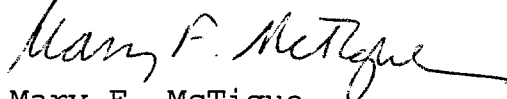
As with all expenditures, candidates and treasurers are responsible for maintaining detailed and accurate records reflecting the amount, date, and purpose of each expenditure made by the candidate and/or the committee in connection with travel, lodging, and other expenses. See M.G.L. c. 55, sections 2 and 5.

1. Other examples of legislative services include: (1) research of the legislative background of a bill, history or events including committee reports, hearings and floor debates; (2) analysis of social problems or issues reasonably subject to legislative resolution; (3) development of strategies relative to seeking passage of legislation sponsored or filed by a legislator; and (4) assistance in the research, drafting, and hearings.

This opinion is based solely on the representations made in your letter, as well as subsequent telephone conversations with Ms. Maeve Vallely of your office, the assumptions stated in this letter, and solely in the context in M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,

A handwritten signature in cursive script, reading "Mary F. McTigue". The signature is written in dark ink and is positioned above the typed name and title.

Mary F. McTigue
Director

MFM/cp